



U.S. Department of Justice
Executive Office for Immigration Review
Office of the General Counsel

5107 Leesburg Pike
Falls Church, Virginia 22041

September 30, 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Andrew Free
Law Office of R. Andrew Free
2004 8th Ave S
Nashville, TN 37204

Andrew Free
MuckRock News
DEPT MR 80430
411A Highland Ave.
Somerville, MA 02144-2516

RE: FOIA 2019-53072

Dear Mr. Free:

This letter is in response to your Freedom of Information Act (FOIA) request dated September 16, 2019 to the Executive Office for Immigration Review (EOIR) in which you seek records related to the appointment of Appellate Immigration Judges William A. Cassidy, V. Stuart Couch, Earle B. Wilson, and Keith E. Hunsucker.

A search was conducted and records responsive to your request were located. With respect to your request for records related to the appointees, it is well-established that civilian federal employees who are not involved in law enforcement or sensitive occupations have no expectation of privacy with respect to the parts of their successful employment applications that show their qualifications for their positions. In that regard, we are granting partial access to records responsive to your request.

Certain information within the records is exempt from disclosure under the Freedom of Information Act pursuant to FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

With respect to your request for other records related to third party individuals, to the extent that non-public responsive records exist, without consent, proof of death, or an overriding public interest, disclosure of records concerning an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6). Because any non-public records responsive to your request would be categorically exempt from disclosure, this Office is not required to conduct a search for the requested records.

Finally, although your requester category was designated as a commercial use request, fees to process your request were less than \$25. Therefore, no fees were assessed to process your request. 28 C.F.R. § 16.10(d)(5).

You may contact the EOIR analyst who processed your FOIA request and/or the EOIR FOIA Public Liaison by e-mail at EOIR.FOIAREQUESTS@USDOJ.GOV or by telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Please reference the FOIA control number.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with our response to this request, you may administratively appeal by writing to the United States Department of Justice, Office of Information Policy, Sixth Floor, 441 G Street, NW, Washington, DC 20530-20001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph Schaaf

J.R. Schaaf
Senior Counsel, Administrative Law

Enclosure
CD/DVD